

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Latausha Simmons,

Plaintiff,

Case No. 19-11726

v.

Judith E. Levy

United States District Judge

City of Southfield, *et al.*,

Mag. Judge Michael J.

Defendants.

Hluchaniuk

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**ORDER ADOPTING REPORTS AND RECOMMENDATIONS [40]**  
**[45]**

Before the Court are two Reports and Recommendations from Magistrate Judge Hluchaniuk. (ECF Nos. 40, 45.) Judge Hluchaniuk's first Report and Recommendation recommends the Court deny Plaintiff's Motion for Claim and Delivery Possession Pending Judgment, Temporary Restraining Order, Injunctive and Declaratory Relief (ECF No. 2), deny Plaintiff's Emergency Motions for Claim and Delivery (ECF Nos. 15, 20), and grant Defendant Ross Towing's Motion to Set Aside Entry of Default (ECF No. 27). (ECF No. 40.) Judge Hluchaniuk's second Report and Recommendation recommends the Court grant Defendants'

Motion for Judgment on the Pleadings (ECF No. 28) and *sua sponte* dismiss Defendant Detroit Police Department. The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in the reasoning and result. Accordingly,

The Reports and Recommendations (ECF Nos. 40, 45) are  
ADOPTED;

Plaintiff's Motion for Claim and Delivery Possession Pending Judgment, Temporary Restraining Order, Injunctive and Declaratory Relief (ECF No. 2) is DENIED;

Plaintiff's Emergency Motions for Claim and Delivery (ECF Nos. 15, 20) are DENIED without prejudice;

Defendant Ross Towing's Motion to Set Aside Entry of Default (ECF No. 27) is GRANTED;

Defendants City of Southfield, Southfield Police Department, Former Police Chief Joseph E. Thomas, Jr., Officer K. Miller and Officer A. Sharp's Motion for Judgment on the Pleadings (ECF No. 28) is

GRANTED, and these Defendants are dismissed; and Defendant Detroit Police Department is DISMISSED.<sup>1</sup>

IT IS SO ORDERED.

Dated: April 14, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 14, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

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<sup>1</sup> By failing to object to the Report and Recommendation, the parties have waived any further right of appeal. *United States v. Archibald*, 589 F.3d 289, 295–96 (6th Cir. 2009).